

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

INGE GOODSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:12-cv-00065
)	
BANK OF AMERICA, N.A.)	
)	
Defendant.)	

**PLAINTIFF’S EMERGENCY MOTION TO CONTINUE TRIAL DATE
AND CONSOLIDATE TRIALS IN THE CASES
OF GOODSON v. BANK OF AMERICA AND GOODSON v. SHAPIRO & KIRSCH, LLP**

Plaintiff Inge Goodson hereby moves the Court to continue the current July 23, 2013 trial date, and related pretrial matters, and consolidate the trial in this case (Goodson II) with the case of Inge Goodson v. Shapiro & Kirsch, LLP, docket no. 11-cv-31 (M.D. Tenn.) (J.Sharp) (“Goodson I”).

1. Lead counsel for Plaintiff suffers from a chronic health condition that currently makes him unable to adequately prepare for and participate in the trial of this case on July 23, 2013. As a result of this condition, Plaintiff’s lead counsel needs to undergo surgery that is expected to involve an eight week recovery period. Prior to this surgery, Plaintiff’s lead counsel anticipates undergoing a medical procedure that would provide him temporary relief that would allow him to participate in the trial of Goodson I beginning September 10, 2013.

2. Lead counsel had anticipated he could make it through both trials without such a procedure when they were scheduled in June and July. But the Goodson I has been continued to September, and the condition has been re-aggravated recently.

3. Moreover, as noted in the motion to continue trial date filed in Goodson I by Shapiro & Kirsch, LLP (S&K), Goodson I Dkt. 102, this case and Goodson I involve similar

claims, the same entities, and the same lawyers. Shapiro & Kirsch, who was counsel to Bank of America in its collection efforts at issue in this case and in Goodson I, has participated in this case in connection with the deposition of Bank of America, which the parties agreed could be used in both cases. These proceedings would be much more efficient if the claims were decided in one trial, without duplication of witnesses, exhibits and testimony.

4. Specifically, Plaintiff sued S&K in Goodson I under the Fair Debt Collection Practices Act (“FDCPA”) for its debt collections efforts on behalf of its client, who is the defendant in this case, alleging violations of sections 1692g and e. Plaintiff in this case (Goodson II) sued Bank of America under the FDCPA for sending her communications and other acts in violation of sections 1692g and e, which also relate to the actions of S&K as BANA’s agent.

5. As shown by the briefings for summary judgment in both cases (which are pending), the facts, issues and witnesses greatly overlap. Indeed, in S&K’s motion to continue the trial date in Goodson I, it argued: “S&K’s arguments and defenses in Goodson I are linked to and based in part on BANA’s actions which plaintiff challenges in whole or in part in her FDCPA case against BANA in Goodson II.”¹ These cases should be tried together.

6. In light of the issues relating to the health of Plaintiff’s lead counsel, and in the interest of judicial efficiency, Plaintiff proposes a consolidated trial of both cases at the currently scheduled Goodson I trial date of September 10, 2013. (And, to the extent this Court needs to reschedule the September trial date in Goodson I to accommodate the request to consolidate the

¹ Plaintiff does not believe that the liability of S&K necessarily depends on the outcome of her claims against BANA, as S&K argued. Plaintiff nonetheless recognizes the common factual issues in these actions.

trials or to otherwise reschedule this pending case, Plaintiff's lead counsel informs the Court that a rescheduled trial in November or December of 2013 would allow sufficient time for him to undergo and recuperate from the surgery discussed above.)

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served via electronic filing this 20th day of June, 2013 to the following counsel of record:

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